

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00024

Rotrick D. Ivory,

Plaintiff,

v.

Gregg County,

Defendant.

Before BARKER, *District Judge*

ORDER

Ivory filed this lawsuit on January 24, 2019. Doc. 1. Pursuant to 28 U.S.C. § 636(b)(1) and (3), the case was referred to United States Magistrate Judge K. Nicole Mitchell. Doc. 3. On July 16, 2019, Judge Mitchell issued a report and recommendation the case be dismissed without prejudice for failure to prosecute. Doc. 7. This recommendation was based on Ivory's failure to notify the court of his current mailing address or whereabouts. *Id.* On the day Judge Mitchell issued her report and recommendation, a copy was mailed to Ivory's last-known address. On August 12, 2019, that copy was returned to the court marked as undeliverable. Doc. 8.

Once it is served with a copy of a magistrate judge's report and recommendation, a party has 14 days to file any objections. Fed. R. Civ. P. 72(b)(2). When no party objects to the report and recommendation, the district court "need only satisfy itself that there is no clear error on the face of the record." *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)), superseded by statute on other grounds, 28 U.S.C. § 636(b)(1) (extending time to object from 10 to 14 days)). As there is no clear error in the magistrate judge's report and recommendation, the court **adopts** it.

Therefore, this action is **dismissed without prejudice** for failure to prosecute. Any motions which may be pending in this case are **denied**. The clerk of the court is **directed** to close this case.

So ordered by the court on December 6, 2019.



J. CAMPBELL BARKER
United States District Judge